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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,666	01/14/2000	Robert D. Wilson	BL01134-013	8672

8698 7590 12/09/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483666

Applicant(s)

Wilson

Examiner

Akens, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election require

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment C(Papaer #10) filed 10/4/03.
2. Claims 1-5 were amended.No claims were added. None were deleted.
3. Claims 1-20 as newly amended, are pending

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Longfield(US Pat. No: 5,193,057) in view of George(US Pat. No: 5,946,668) and further in view of Bern(US Pat. No: 5,138,549).

6. As per claims 1-20 Longfield discloses a system for providing a loan to a taxpayer comprising historical refund data, year to date income information, year to date expense information, a processor adapted to process the data and a loan provided to the taxpayer(Abstract)(Fig 1)(col 1 line 44-col 2 line 4)(Appendix 1). Longfield further discloses inputting tax and loan application data, preparing an electronic tax return, validation, opening a

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loan account a refund payment and refund processing(Fig 1).Also, Longfield teaches the electronic income tax refund early payment system with the requisite means for creating the deposit account(col 2 line 10-col 6 line 25)(Appendix 1).In addition to that taught by Longfield, George teaches a system for funding a home investment trust wherein the tax refund is estimated in order to fund a home investment trust(col 1 lines 5-10)(col 1 line 48-col 2 line 2)(Fig 1)(Fig 2)(Fig 3) and is done over time which produces a historical record(Abstract)(Fig 1B/14)(Fig 2B/37).George further teaches estimating the initial trust deposit(Fig 1A/6) and generation of amortization (Fig 1A/11) to full term as well as setting the loan criteria(Fig 1A/2).George further teaches determining the state and federal tax refunds(Fig 1B/13) and calculating the annual trust deposits(Fig 1B/14) as well as calculating the trust value(Fig 1B/16) and the calculation of the institutional fees(Fig 1B/17). George further teaches the mortgage trust payout(Fig 1C/23) and the trust payout to the homeowner(Fig 1C/22) and determination of a cashout amount(Fig 2A/28) as well as estimating the appreciated home value(Fig 2B/41). In addition to that taught by George, Bern teaches trend analysis in the establishment of tax vouchers and the tracking of a depositor's deposit patterns(col 2 lines 16-34) and producing a paper trail of all tax deposits performed historically(col 5 lines 20-34)(Figs 1-7). Bern further teaches the storage of tax deposit information which may be accessed to provide historical data on tax liabilities(Abstract)(col 1 lines 6-15) and taxpayer habits(col 5 lines 3-33).It would have been obvious to one skilled in the art at the time of the invention to combine Longfield in view of George and further in view of Bern to teach the above. The motivation to combine Longfield in

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view of George is to teach the funding of a liability by a tax refund credit as enunciated by George(col 1 lines 8-10).Furthermore, the motivation to combine Longfield in view of George and further in view of Bern is to teach a documentation system for tax deposits and accounts of a taxpayer which can be used as historical data for trends as enunciated by Bern(col 5 lines 34-41) which may be used to estimate loanable funds based on anticipated refunds.

Response to Arguments

7. Applicant's arguments filed 10/4/03 have been fully considered but they are not persuasive.Longfield discloses a system for providing a loan to a taxpayer comprising historical refund data, year to date income information, year to date expense information, a processor adapted to process the data and a loan provided to the taxpayer(Abstract)(Fig 1)(col 1 line 44-col 2 line 4)(Appendix 1).George teaches a system for funding a home investment trust wherein the tax refund is estimated in order to fund a home investment trust(col 1 lines 5-10)(col 1 line 48-col 2 line 2)(Fig 1)(Fig 2)(Fig 3) and is done over time which produces a historical record(Abstract)(Fig 1B/14)(Fig 2B/37).Bern teaches trend analysis in the establishment of tax vouchers and the tracking of a depositor's deposit patterns(col 2 lines 16-34) and producing a paper trail of all tax deposits performed historically(col 5 lines 20-34)(Figs 1-7). Bern further teaches the storage of tax deposit information which may be accessed to provide historical data on tax liabilities(Abstract)(col 1 lines 6-15) and taxpayer habits(col 5 lines 3-33).In total these references teach applicant's disclosure and predate his conception.

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Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Questions regarding this communication should be addressed to the primary Dr. Geoffrey Akers, P.E. who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary are unsuccessful, the primary's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

December 5, 2003

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**